

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re)	Chapter 11
)	
Kiebler Recreation, LLC)	Case No. 10-15099
dba Peek'N Peak Resort & Spa)	
)	Judge Baxter
Debtor.)	
)	

**JOINT MOTION OF THE HUNTINGTON NATIONAL BANK, DEBTOR AND
OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR CONTINUANCE OF
HEARING ON LIFT STAY MOTION OF THE HUNTINGTON NATIONAL BANK**

Now comes The Huntington National Bank ("Huntington"), Kiebler Recreation, LLC (the "Debtor"), and the Official Committee of Unsecured Creditors of the Debtor (the "Committee" and together with Huntington and the Debtor, the "Movants"), pursuant to sections 105 and 362 of title 11 of the United States Code (the "Bankruptcy Code"), to hereby jointly request (the "Joint Motion") that the Court continue the November 23, 2010 hearing on the lift stay motion filed November 6, 2010 by Huntington [docket # 320] (the "Lift Stay Motion").

For and as their Joint Motion, the Movants respectfully state the following.

Jurisdiction

1. The Court has jurisdiction over this Joint Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this matter is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding under 28 U.S.C. § 157(b)(2).

Background

2. On May 26, 2010 (the "Petition Date"), the Debtor commenced the above-captioned case under the Bankruptcy Code. The Debtor operates Peek'N Peak Resort and Spa, a popular recreational and tourist complex in Chautauqua County, New York (the "Resort"). The

Debtor is authorized to continue to operate its business and manage its property as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Office of the United States Trustee appointed the Committee on June 9, 2010. No trustee or examiner has been appointed. Huntington is the Debtor's largest secured creditor.

3. On November 6, 2010, Huntington filed the Lift Stay Motion and noticed [docket #321] a hearing on the Lift Stay Motion for November 23, 2010 (the "Lift Stay Hearing").

Facts

4. In recent days, the Movants have resumed a dialogue they were previously engaged in—the goal of which is to promote and facilitate a resolution of the Lift Stay Motion and an overall settlement of other matters pending in this case. A continuation of the November 23, 2010 hearing on Lift Stay Motion will promote this discussion. As part of the continuation, the Debtor has also agreed to pay Huntington the sum of \$40,000. The Movants will submit a separate order confirming this payment.

5. In the interest of promoting good will and facilitating the Parties' settlement efforts, Movants request a continuation of the November 23, 2010 hearing on the Lift Stay Motion to the Court's Chapter 11 docket at 10:00 AM. on November 30, 2010.

6. For these reasons set forth below, the Movants request the continuance.

Waiver of Memorandum of Law

7. The Movants submit that this Joint Motion does not present any novel issues of law requiring further briefing; moreover, appropriate authorities have already been cited herein. Therefore, the Movants respectfully request that the Court waive the requirement pursuant to Rule 9013-1(a) of the Local Rules for the United States Bankruptcy Court for the Northern District of Ohio that a separate memorandum be filed in support of the Joint Motion.

Notice

8. Notice of this Joint Motion has been given by regular mail or electronic filing to the following parties: (a) the United States Trustee, (b) the Debtor's secured lenders, Huntington and PNC Bank; (c) the Committee; and (d) all parties that have requested notice in this case. In light of the nature of the relief requested herein, the Movants submit—and they request that the Court find—that such notice is sufficient and appropriate under the circumstances and no other or further notice is necessary.

WHEREFORE, the Joint Movants respectfully request that the Court (i) authorize the continuance of the hearing on the Lift Stay Motion to November 30, 2010; and (ii) grant such other and further relief as the Court deems just and proper.

Dated: November 22, 2010

Jointly submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 22nd day of November 2010 upon the parties identified on the attached Service List by the method indicated.

/s/ Daniel A. DeMarco

One of the Attorneys for the Committee

SERVICE LIST

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case and who were served by the Court's electronic noticing system:

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